

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62147 of 2022

Arising Out of PS. Case No.-67 Year-2006 Thana- BARHIYA District- Lakhisarai

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Amresh Singh, Son of Ram Naresh Singh, Resident of village - Sahjadpur,
P.S.- Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Barahiya P.S. Case No. 67 of 2006, registered for the
offences punishable under Sections 302, 307 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerges from the FIR is
that on 30.07.2006 at around 10:00 pm, the
informant/Ramashray Singh along with his son/Naveen



Singh, reached Dariyapur village to attend the marriage ceremony of the daughter of one Mahesh Singh. Further, at around 11:00 pm, all of a sudden, 8-9 persons armed with Rifal and S.L.R got down from a Sumo Vehicle and took the son of the informant towards NH-08 and shot him dead. Following them, when the informant reached the place of occurrence; they fired at him as well but he had a narrow escape.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner and after investigation, the IO had found the petitioner not guilty and the case against him was finalized by the IO. However, at the time of taking cognizance Ld. Magistrate had taken cognizance against him also. He further submits that many of the co-accused have already been enlarged on bail by co-ordinate Bench of this Court.

He further submits that the petitioner has been languishing in jail since 22.08.2022.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 45370 of 2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts that the case against the petitioner was finalized by the police and many co-accused have already been enlarged on bail, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate, 1st Class, Lakhisarai in connection with Barahiya P.S. Case No. 67 of 2006 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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